

REMARKS/ARGUMENTS

Applicants submit this Amendment, in reply to the Office Action mailed October 11, 2005.

In this Amendment, Applicants amend the specification to more appropriately describe their invention. Applicants also amend claims 19, 23, 30, 31, 34, 36, 37, 39-43, and 52 to more appropriately define their invention. Claims 1-52 remain pending in this application.

In the Office Action, the Examiner objected the disclosure and to claim 23 due to informalities; rejected claims 19, 20, 30, 31, 34, 36-44, and 52 under 35 U.S.C. § 112, second paragraph; and rejected claims 1-18, 21-33, and 36-52 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,048,310 to Wohldorf.

The Examiner also indicated that claims 19, 20, 34, and 35 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to included all of the limitations of the base claim and any intervening claims. See Office Action, page 5, ¶ 1.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claims 19, 20, 34, and 35.

Objections

The Examiner objected to paragraphs 46, 62, and 67 of the specification due to informalities, and objected to claim 23 because it depended from itself. Paragraphs 46, 62, and 67 of the specification have been rewritten to correct the typographical errors noted at page 2 of the Office Action, and claim 23 has been amended to correct a

typographical error. Accordingly, Applicants respectfully request that the Examiner's objection to the specification and to claim 23 be withdrawn.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 19 and 34 because the term “a second member” lacked antecedent basis; rejected claims 30 and 31 because the term “the handle” lacked antecedent basis; rejected claims 36-43 because the term “the tongue structure” lacked antecedent basis and was unclear; and rejected claim 52 because the term “it” was indefinite. Office Action, pages 2-3. Claims 19, 20, 30, 31, 34, 36-43, and 52 have been amended to maintain antecedent basis and improve clarity. Accordingly, Applicants respectfully submit that claims 19, 20, 30, 31, 34, 36-43, and 52 comply with 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 1-18, 21-33, and 36-52 under 35 U.S.C. § 102(b) as being anticipated by Wohldorf. In order to properly establish that Wohldorf anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Wohldorf does not disclose each and every element of Applicants' claimed invention. Claim 1, for example, recites “an intermediate mechanism to move the raise/lower member between a lower position and an upper position.” The Examiner

alleges that “the hitch mechanism [of Wohldorf] further includes a raise/lower member 2 . . . attached to a second linkage mechanism (intermediate mechanism) comprised of at least a link member that includes a pair of linkage bars (sides of element 1) . . . attached . . . by a second bolt and nut (shaft/pin 3).” Office Action, page 4, ¶ 1. Thus, the Examiner apparently contends that the claimed “intermediate mechanism” corresponds to a joint formed by a bolt 3 that joins the fork head 1 and the guide plate 2. See Wohldorf, Figs. 1 and 2. This joint, however, merely allows the guide plate 2 to pivot about the fork head 1 via the bolt 3, but does not, itself, move the guide plate 2. *Id.* Rather, guide plate 2 “move[s] down[wardly] by gravity” (col. 2, line 33) from an upper position as shown in Figure 1, to a lower position as shown in Figure 2. Therefore, Wohldorf fails to teach “an intermediate mechanism to move the raise/lower member between a lower position and an upper position,” as recited in claim 1, and cannot anticipate claim 1. (Emphasis added).

Similarly, Wohldorf also does not disclose “a control for causing the intermediate mechanism to move the raise/lower member from one position to the other,” as recited in claim 1. As discussed above, the guide plate 2 moves in to a lower position due to gravitational forces. Additionally, Wohldorf is silent as to how the guide plate 2 is moved into an upper position. Accordingly, Wohldorf also fails to teach “a control for causing the intermediate mechanism to move the raise/lower member from one position to the other,” as recited in claim 1.

Moreover, Wohldorf does not teach or suggest a “first handle member . . . capable of being moved in order to raise an lower the coupling member” and a “second handle member . . . capable of being moved in order to raise an lower the raise/lower

member,” as recited in claim 21. In the Office Action, the Examiner only refers to a single “handle member” as portions of reference number 8 in Wohldorf. See Office Action, pages 3-4. Wohldorf, on the other hand, specifically describes reference number 8 as a link that connects the guide plate 2 to the coupling bolt 7, not as a handle. Col. 2, lines 14-18. Further, Wohldorf only discloses a single handle 14, which is a part of pawl 5. See Figs. 1 and 2 of Wohldorf. Accordingly, Wohldorf fails to teach a “first handle member . . . capable of being moved in order to raise and lower the coupling member” and a “second handle member . . . capable of being moved in order to raise and lower the raise/lower member,” as recited in claim 21. (Emphasis added).

Regarding claim 36, Wohldorf does not teach or suggest “positioning a member of a lifting system . . . in a lower position, wherein the member is capable of engaging and supporting the tongue.” As illustrated in Figure 1 of Wohldorf, the guide plate 2 does not lift the drawbar 12, or tongue, from a lower position. Rather, the guide plate 2 is put in the upper, or “lifted,” position to guide the engagement of drawbar 12, and “[t]hen the front or driven vehicle is moved back towards the trailer . . . [such that] the drawbar 12 is kept in the direction of the guide plate 2.” Wohldorf, page 2, col. 1, lines 19-28. Thus, Wohldorf does not teach or suggest “positioning a member of a lifting system . . . in a lower position, wherein the member is capable of engaging and supporting the tongue,” as recited in claim 36. (Emphasis added).

In addition, the hitching method of the present invention, requiring “raising the raise/lower member,” as recited in claim 45, is not taught or suggested by Wohldorf. Figure 2 of Wohldorf illustrates a hitched position, where guide plate 2 is in a lowered position. Further, the specification of Wohldorf teaches that during the coupling

process, the guide plate 2 will “move down,” (col. 2, lines 23-33) but not up.

Accordingly, Wohldorf teaches hitching by lowering guide plate 2. Therefore, Wohldorf does not teach or suggest a hitching method including “raising the raise/lower member,” as recited in claim 45. (Emphasis added).

Moreover, the unhitching method of the present invention, which requires “lowering the raise/lower member,” as recited in claim 52, is also not taught or suggested by Wohldorf. Figure 1 of Wohldorf illustrates an unhitched position, whereby, as noted above, guide plate 2 is in an upper, or “lifted,” position. Further, the specification of Wohldorf states that prior to uncoupling the drawbar 12, “the guide plate 2 . . . [is] lifted up and out.” Wohldorf, page 2, col. 1, lines 48-50 (emphasis added). Thus, Wohldorf discloses unhitching by raising guide plate 2. Consequently, Wohldorf does not teach or suggest an unhitching method comprising “lowering the raise/lower member,” as recited in claim 52. (Emphasis added).

Applicants therefore respectfully request the Examiner to reconsider and withdraw the rejection of independent claims 1, 21, 36, and 52 as being anticipated by Wohldorf, under 35 U.S.C. § 102(b).

Claims 2-20, 22-36, and, 37-51 respectively depend from claims 1, 21, and 36, and, thus contain all the elements and limitations thereof. Accordingly, dependent claims 2-20, 22-36, and, 37-51 are allowable at least due to their dependence from independent claims 1, 21, and 36.

Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the

scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary

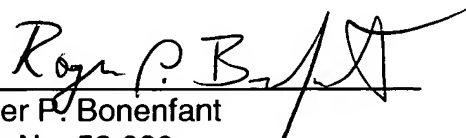
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this Application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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